

1 surprised, and that was okay.

2 Q When do you recall actually making  
3 contact with F.B.I. Agent Robinson?

4 A The next day.

5 Q And this was sometime in late 1999,  
6 early 2000?

7 A Yes.

8 Q Can you be any more specific as to the  
9 time frame?

10 A No.

11 Q Okay. What did you discuss when you had  
12 a conversation with her?

13 A I believe the first conversation Maureen  
14 explained that they were looking for some  
15 information, and that they understood that I might  
16 have some information that they needed, and I  
17 believe my reaction to that was, "In what areas?"

18 Q What did she say?

19 A She indicated three areas of concern:  
20 sexual abuse of the females, physical abuse of  
21 inmates, and drug use or abuse within the  
22 facility.

23 Q How did Maureen Robinson understand that  
24 you may have some information that they were

1 A Yes.

2 Q Did you do that in a face-to-face  
3 meeting?

4 A Yes.

5 Q What was discussed; what were the  
6 arrangements?

7 A That I could contact them anytime by  
8 phone, and I could speak with them by phone or  
9 meet them in person.

10 Q You said "them." Who besides Maureen  
11 Robinson were you allowed to contact?

12 A At first I believe it was just Maureen,  
13 and then there was a second agent.

14 Q Who was that?

15 A Krista Snyder.

16 Q Let's start with Maureen first. What  
17 contact information did she provide to you; how  
18 were you supposed to get ahold of her?

19 A She gave me her business card, and then  
20 also gave me -- the business card had the office  
21 number on it, and she gave me her extension, which  
22 I also wrote on the card.

23 Q What specific information did she ask  
24 you to provide?

1           A     Any information that I had concerning  
2 cases that might come up from time to time,  
3 allegations of abuse, sexual or physical,  
4 allegations of drug selling or drug dealing.

5           Q     Did she give you any instructions as to  
6 how to perform this service for the F.B.I.?

7           A     She read a -- a paper that gave me the  
8 dos and don'ts, but I don't -- I guess it was  
9 instructions. I'm trying to remember what it was  
10 called. Each -- each year I had this piece of  
11 paper read to me.

12          Q     Each year...

13          A     That I continued --

14          Q     To provide --

15          A     -- doing --

16          Q     I'm sorry.

17          A     That I continued providing information.

18          Q     What was this piece of paper?

19          A     It talked about whether or not I was  
20 freely -- that I wasn't being coerced to do this;  
21 that I wasn't being paid to do this; I wasn't -- I  
22 didn't disclose it to anyone; I didn't speak to  
23 the news media and say, By the way...

24          Q     By the way what?

1           A     Any information that I had concerning  
2 cases that might come up from time to time,  
3 allegations of abuse, sexual or physical,  
4 allegations of drug selling or drug dealing.

5           Q     Did she give you any instructions as to  
6 how to perform this service for the F.B.I.?

7           A     She read a -- a paper that gave me the  
8 dos and don'ts, but I don't -- I guess it was  
9 instructions. I'm trying to remember what it was  
10 called. Each -- each year I had this piece of  
11 paper read to me.

12          Q     Each year...

13          A     That I continued --

14          Q     To provide --

15          A     -- doing --

16          Q     I'm sorry.

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18          Q     What was this piece of paper?

19          A     It talked about whether or not I was  
20 freely -- that I wasn't being coerced to do this;  
21 that I wasn't being paid to do this; I wasn't -- I  
22 didn't disclose it to anyone; I didn't speak to  
23 the news media and say, By the way...

24          Q     By the way what?



1 A I just spoke with the F.B.I. There were  
2 about 10 or 12 items, and I couldn't tell you what  
3 else was on that specific paper.

4 Q Did they provide you --

5 A Admonitions. I'm sorry. That name just  
6 came to me, admonitions.

7 Q Were you provided with a copy of that?

8 A No.

9 Q Were you asked to sign anything?

10 A No.

11 Q Did you have an informant agreement with  
12 them?

13 A Verbal.

14 Q What was that verbal agreement?

15 A That I would provide information to  
16 them, and they would protect my identity.

17 Q Did you have scheduled reporting times?

18 A No.

19 Q So when did they expect you to report  
20 the information?

21 A When I had something to report.

22 Q And did they give you categories of  
23 information that they were looking for?

24 A Yes.

1 Q And those were...

2 A Sexual abuse, physical abuse, drug  
3 dealing.

4 Q Were you instructed by the F.B.I. not to  
5 provide that same information to the Sheriff's  
6 Department?

7 A Never.

8 Q So Ms. Robinson didn't tell you, "Report  
9 to us, but don't report to the Sheriff's  
10 Investigation Division"?

11 A Correct.

12 Q Did she ever tell you that you should  
13 report this information to the Sheriff's  
14 Investigation Division?

15 A Yes.

16 Q She did tell you that?

17 A Yes.

18 Q What did she say?

19 A That was along with the admonitions that  
20 tell you not to disclose to this person, and it  
21 was, of course, you can report to SID or, you  
22 know, things that you need to report, you can  
23 report.

24 Q Is that how it was communicated to you:

1 case there was a problem.

2 Q Who asked you to con -- who asked you to  
3 place a wire on Inmate Rene Rosario in November of  
4 2002?

5 A Krista Snyder.

6 Q And who is she?

7 A An F.B.I. agent.

8 Q And you indicated earlier that initially  
9 you were providing information to Maureen  
10 Robinson. When did you begin providing  
11 information to F.B.I. Agent Krista Snyder?

12 A They were frequently together. Maureen  
13 was part of it, but it happened that it was Krista  
14 that I spoke to.

15 Q Is it fair to say shortly after you  
16 agreed to provide information on an ongoing basis  
17 to the F.B.I. you were working with Maureen  
18 Robinson and Krista Snyder from the F.B.I.?

19 A Correct.

20 Q So when did Krista Snyder contact you  
21 regarding placing a wire -- and by a wire, you  
22 mean recording device?

23 A Yes.

24 Q -- on Inmate Rene Rosario?

1 A Perhaps in October of 2002.

2 Q What did she ask you to do; how did this  
3 conversation happen?

4 A She asked me if I knew Rene, and I knew  
5 him from -- I believe that this was already his  
6 second incarceration at Suffolk; but, again, one  
7 of those things, I did his intake physical, and I  
8 knew the name as a person that had -- that had  
9 been at the institution. And she asked me if I  
10 knew any more about him, and I really didn't at  
11 that point in time. And she told me that Rene was  
12 -- had been a witness in a Federal investigation  
13 at the jail, at the Suffolk County jail, and that  
14 he claimed that he had had some issues around that  
15 since that time.

16 The question that I'm answering  
17 again so I can -- I'm lost.

18 Q Have you finished your answer on that?

19 MR. SAVAGE: She's lost.

20 A I'm not sure what the question --

21 Q Let me ask you another question.

22 A Okay.

23 Q We'll get back.

24 Krista Snyder asked you to place a



1 recording device on Inmate Rene Rosario.

2 A Yes.

3 Q And I was asking you what exactly did  
4 she communicate to you and what did she ask you to  
5 do.

6 A She asked me to place the wire on Rene  
7 and -- to place it and retrieve it -- to record  
8 some issues of threats or abuse that he alleged  
9 were happening at the House of Correction.

10 Q Is that the purpose that F.B.I. Agent  
11 Snyder articulated to you for the reason why the  
12 wire was to be placed on Inmate Rosario?

13 A Yes.

14 Q Where did this conversation take place  
15 between you and Krista Snyder?

16 A I think that one was in a coffee shop at  
17 the same -- at the same South Bay Plaza.

18 Q Who else was present?

19 A Maureen.

20 Q Maureen Robinson?

21 A Yes.

22 Q Any other persons present?

23 A No.

24 Q Prior to that conversation, was that the

1 Q who gave you the recording device?

2 A I had the device more than once and -- I  
3 had the device outside. I believe it was decided  
4 that I couldn't bring it through the security  
5 gate. So I believe it was given to me inside the  
6 facility by Paul. I am not positive about that  
7 one.

8 Q who decided that you couldn't bring it  
9 through?

10 A It would set off alarms.

11 Q who decided that it couldn't be brought  
12 through?

13 A That was a decision between -- between  
14 Krista and myself; I would have set off alarms  
15 with it.

16 Q During your conversations with Krista  
17 Snyder and Maureen Robinson, did they indicate  
18 that anyone within the Suffolk County Sheriff's  
19 Department was involved in the process to wire  
20 Mr. Rosario?

21 A Yes. At first I didn't know whom, and I  
22 had to sign a paper releasing the F.B.I. or  
23 telling people at Suffolk County that I was  
24 involved in this activity.

1 Q Do you have a copy of that?

2 A No, I don't.

3 Q They ask you to sign a waiver, a  
4 release?

5 A Yes.

6 Q You said initially you didn't know who  
7 was involved, but then you became aware. When did  
8 you become aware that someone within the Suffolk  
9 County Sheriff's Department was involved in the  
10 process to wire Rene Rosario in November of 2002?

11 A When I talked with Paul.

12 Q And when was that?

13 A Before I -- sometime before I wired him,  
14 I spoke with Paul, and he gave me a -- an  
15 emergency phone number and his extension to  
16 contact him if I needed assistance.

17 Q Well, what did he say, other than giving  
18 you his emergency contact number?

19 A He spoke with Rene. We -- he spoke with  
20 Rene in the office.

21 Q When?

22 A Before I wired him.

23 Q On the same date that you wired him?

24 A He spoke with him more than once. I saw

1 contact person?

2 A Yes --

3 Q When --

4 A -- he gave --

5 Q I'm sorry. When did that occur?

6 A Before I put the wire on Rene.

7 Q Before, when? The day before? The  
8 morning of?

9 A I don't know.

10 Q Where did you get the wire from?

11 A The wire came from Krista and Maureen,  
12 and as I said, that piece is a little fuzzy,  
13 because I didn't bring it through. I -- I can't  
14 remember exactly how that happened.

15 Q So you don't recall from whom you  
16 received the recording device that you were  
17 placing on Rene Rosario?

18 A I had it twice.

19 Q When was the first time that you had it?

20 A The week before when we couldn't place  
21 it.

22 Q When you say we, who is we?

23 A The F.B.I. and I.

24 Q Was Paul DeFazio involved in that --



1 A Yes.

2 Q -- incident?

3 How was he involved?

4 A I just remember him as my contact  
5 person. I remember that he gave me his number. I  
6 couldn't tell you whether it was at the first of  
7 it, in the middle of it. I know it was before I  
8 actually placed the wire, but I can't tell you  
9 exactly when. And he spoke with Rene while Rene  
10 had the wire on.

11 Q Was Paul DeFazio ever present during a  
12 conversation between you, Maureen Robinson, and  
13 Krista Snyder that concerned the wiring of Rene  
14 Rosario?

15 A No.

16 Q Did they ever mention his name other  
17 than to identify him as an emergency contact  
18 person?

19 A No.

20 Q Did they indicate to you that they had  
21 someone within the Suffolk County Sheriff's  
22 Department who had approved the wiring of Rene  
23 Rosario?

24 A I didn't ask that.

1 A I could see him through the window.

2 Q Okay. Well, that's my question.

3 Did you go into the office?

4 A No.

5 Q Did you ever -- did you talk with  
6 Mr. DeFazio after you saw him speaking with  
7 Mr. Rosario?

8 A I don't remember.

9 Q Did you ever ask him what was  
10 communicated between himself and Mr. Rosario?

11 A No.

12 Q Was Mr. DeFazio present when you took  
13 the wire off?

14 A No.

15 Q After you took the wire off, what did  
16 you do with it?

17 A That's that same fuzzy area. I'm not  
18 sure how I got it back out again.

19 Q Did you provide it -- did you bring it  
20 out and give it back to Krista Snyder?

21 A I could have. I really don't remember  
22 how I got it in and out. I really don't.

23 Q Did you give it to Paul DeFazio?

24 A I -- I just don't remember.

1 Q why was it taken off?

2 A It was only supposed to be on a  
3 specified time; the battery would have run out.

4 Q who told you that?

5 A Krista.

6 Q what else did she tell you about the  
7 wire?

8 A How to put it on; how to take it off.

9 Q In 2000 how many times did you provide  
10 information to the F.B.I.?

11 A 40 or 50.

12 Q To whom in the F.B.I.?

13 A Maureen or Krista.

14 Q How?

15 A Telephone or face to face.

16 Q what information was communicated?

17 A Information about suspected sexual  
18 abuse, physical abuse, or drug use.

19 Q Each time that you communicated this  
20 information to Maureen Robinson and Krista Snyder,  
21 did you also communicate the information to the  
22 Suffolk County Sheriff's Department?

23 A Sometimes, yes; sometimes, no.

24 Q what times did you not?

1           A     Hearsay information that I had only a --  
2     a report but no real knowledge or no belief one  
3     way or the other, just no way to determine. I  
4     heard a lot of things, and I reported what I heard  
5     and let other people figure it out. If it was  
6     something that I knew, something that the inmate  
7     told me about himself, it was reported within the  
8     House of Correction.

9           Q     Was that your criteria in terms of when  
10    you reported things to SID; if it was hearsay  
11    information, you didn't; if it was information  
12    communicated to you directly from an inmate, then  
13    you did?

14          A     Hearsay about another inmate, I probably  
15    would not. An inmate telling me himself that he  
16    had been abused, yes.

17          Q     You would report that to SID?

18          A     Yes.

19          Q     And you did?

20          A     Yes.

21          Q     Over the course of the nine years that  
22    you were working at the House of Correction, you  
23    did that how often?

24          A     A lot. Probably three or four times a



1 A 15, maybe. I don't know. Maybe more.

2 Q You spoke to Steve Jacobs regularly?

3 A Yes.

4 Q You spoke to Paul DeFazio?

5 A Yes.

6 Q What other names?

7 A Brenda.

8 Q Brenda Garcia?

9 A Yeah. Another Steve. Let's see. I can  
10 tell you what they look like, but I don't remember  
11 their names. I'm sorry. There are some that I  
12 know better than others.

13 Q You understood that it was their  
14 responsibility to investigate allegations of  
15 officer misconduct?

16 A Yes.

17 Q And that in so doing they would  
18 oftentimes require the assistance of and  
19 cooperation of medical personnel?

20 A Yes.

21 Q In 2001 do you recall how many times you  
22 provided information to the F.B.I.?

23 A About the same the entire time.

24 Q What do you mean about the same the

1 entire time?

2 A Probably 40 or 50 times a year all four  
3 years. Sometimes the same information with more  
4 information concerning the same incident,  
5 sometimes different things.

6 Q Do you recall specific incidents or  
7 specific illegal activities that you provided  
8 information on?

9 A Yes.

10 Q What are those?

11 A I really can't answer that.

12 Q But the categories, not --

13 A The categories?

14 Q The types of incidents.

15 A Sure. The same categories, physical  
16 abuse of an inmate, sexual abuse of an inmate, and  
17 possible drug dealing or drug use/abuse.

18 Q Was the drug use/abuse, did that involve  
19 officers as well?

20 A It could.

21 Q Did it?

22 A Yes.

23 Q The physical abuse allegations, that  
24 involved allegations of misconduct of officers on

1 A Yes.

2 Q So he knew you to call you by your name?

3 A Yes.

4 Q Did he provide any more detailed  
5 information concerning the circumstances of his  
6 injury?

7 A I don't think so.

8 Q Did you conduct a physical examination  
9 of Mr. Rosario at that time?

10 A I looked through the window and saw what  
11 he showed me. That's not a physical examination.

12 Q Okay. So my question is: Did you  
13 conduct a physical examination of Mr. Rosario at  
14 that time?

15 A No.

16 Q Why didn't you?

17 A I thought that because of our previous  
18 history together that that particular thing would  
19 be best left to the other mid-level provider that  
20 was on duty that day.

21 Q Explain what you mean by that.

22 A It was known in the facility by rumor  
23 that Rene and I had worked together one way or  
24 another. I don't know if anybody knew about the

1 injury was to assess what the injuries might in  
2 fact be and the extent of them?

3 A If indeed I examined him, yes, it would  
4 have been.

5 Q Wouldn't a physical examination have  
6 been necessary at that time in sound nurse  
7 practitioner judgment to commence that evaluation?

8 A Someone did examine him.

9 Q When did Beth Bringola examine  
10 Mr. Rosario?

11 A Sometime after I was at -- that I  
12 stopped at the cell.

13 Q When?

14 A I don't know.

15 Q Were you present?

16 A No.

17 Q When did you record your observations of  
18 Mr. Rosario in his medical records pertaining to  
19 the encounter that you have just testified about?

20 A I didn't.

21 Q You did not?

22 A I didn't record them in the medical  
23 record. I recorded them, but not in the medical  
24 record.



1           A     I passed the information along to my  
2 supervisor and to the mental health person who  
3 would be the next person to see him.

4           Q     And neither of those people were Beth  
5 Bringola, correct?

6           A     Correct.

7           Q     Beth Bringola is the person whom you've  
8 identified who conducted the physical examination  
9 of Mr. Rosario, correct?

10          A     Yes.

11          Q     Wouldn't it have been important for Beth  
12 Bringola to know your firsthand observations of  
13 and communications with Rene Rosario before she  
14 conducted her physical examination?

15          A     Not necessarily.

16          Q     Wouldn't it have been -- you were the  
17 first medical provider to see Mr. Rosario after he  
18 allegedly sustained this injury, correct?

19          A     Oh, I don't know. It was -- I didn't  
20 see him for probably a half to three-quarters of  
21 an hour after he came downstairs, and I don't know  
22 how soon he came down.

23          Q     Well, you saw him come down, right?

24          A     But I don't know how much before that it

1 -- that the reason for his admission to the  
2 infirmary was not accurate?

3 A Yes.

4 Q Were you concerned that if they weren't  
5 -- if medical personnel weren't aware of that that  
6 he might be prescribed some medication that  
7 wouldn't be indicated?

8 A No.

9 Q Why not?

10 A Gayle talked with him, Beth examined  
11 him. Both of those -- Gayle is a social worker.  
12 She's trained to discern whether or not this  
13 person is hearing voices or not, and she's trained  
14 to discern what his mental health issues are.  
15 Beth examined him. Craig, the nurse, was in  
16 there.

17 Q You weren't present, as you indicated,  
18 during the examination by Beth Bringola, correct?

19 A Correct.

20 Q Did you look at his medical chart? Did  
21 she chart her -- strike that.

22 Do you know whether or not she  
23 documented her physical examination in the medical  
24 chart?

1 Q Okay. Well, have you used that term  
2 before?

3 A I have no idea.

4 Q Mrs. Porter, when did you -- when did  
5 you call the F.B.I. regarding the information that  
6 Rene Rosario had provided to you?

7 A Probably on the 19th.

8 Q When you say probably, could it have  
9 been the 20th?

10 A I think I made the phone call on the  
11 19th, but I didn't talk to anyone.

12 Q When did you talk to someone regarding  
13 the allegations that Mr. Rosario had made to you?

14 A I think the 20th.

15 Q And whom did you speak with?

16 A Krista.

17 Q Krista Snyder?

18 A Um-hm.

19 Q How did you contact them?

20 A Phone.

21 Q What did you tell them?

22 A What Rene told me.

23 Q Had you already completed the document  
24 that's been identified as Exhibit No. 5?